

AN ORDINANCE 2014-11-13-0916

AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *L. PAYNE CONSTRUCTORS AND VALEMAS, INC. v. CITY OF SAN ANTONIO*, CAUSE NUMBER 2010-CI-21011, PENDING IN THE 288TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, FOR PAYMENT IN THE AMOUNT OF \$295,000.00.

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WHEREAS, Plaintiffs L. Payne, a subcontractor, and Valemas, Inc., contractor, are seeking damages for delays that occurred when working on the Clark Street construction project; and

WHEREAS, although the City of San Antonio has vigorously contested liability in this matter, it is in its best interest to settle this matter to avoid the uncertainty and risks associated with further litigation; and

WHEREAS, the parties have reached a mutual agreement to settle all claims for the amount of \$295,000.00 payable from the Self-Insurance Liability Fund, contingent upon Council approval, to resolve all contested claims; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Funding in the amount of \$295,000.00 for this ordinance is available in Fund 75001000, Cost Center 0709020010 and General Ledger 5402530, as part of the Fiscal Year 2015 Budget.

SECTION 2. Payment is authorized to be made payable as follows: \$295,000.00 will be paid to plaintiff L. Payne Constructors and their attorney, as settlement of Cause No. 2010-CI-21011 styled L. Payne Constructors and Valemas, Inc. v. City of San Antonio.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 13th day of November, 2014.

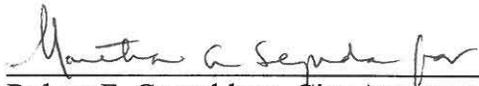

M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Robert F. Greenblum, City Attorney

Agenda Item:	28 (in consent vote: 5, 6, 8, 9, 10, 11, 13, 15A, 15B, 16, 17, 18, 19A, 19B, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 37A, 37B, 37C, 37D, 37E)						
Date:	11/13/2014						
Time:	09:45:37 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a settlement of a lawsuit styled L. Payne Constructors and Valemas, Inc. v. City of San Antonio, Cause Number 2010-CI-21011, pending in the 288th Judicial District Court for the amount of \$295,000.00 from the Self-Insurance Liability Fund. [Robert F. Greenblum, City Attorney]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Diego Bernal	District 1		x				x
Keith Toney	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5	x					
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x			x	
Michael Gallagher	District 10		x				